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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/404,163	09/27/1999	SARA ELO	SOM9-1999-00	8114

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EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/404,163

Applicant(s)

ELO ET AL.

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-27 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 17, 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: CPA and Pre-Amendment B filed 7/11/03.
2. Claims 1-15 were cancelled. Claims 16-32 are pending. Claims 16, 31, and 32 are independent claims.

### ***Continued Prosecution Application***

3. The request filed on 7/11/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Objections***

4. Claim 17 is objected to because of the following informalities: Claim 17 is dependent on cancelled claim 1. Appropriate correction is required. For purposes of this office action, Examiner has examined it as dependent on claim 16.
5. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16, 18, 20, 26, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97.

In reference to claims 16, 26, 31, and 32, Beattie teaches a method for storing multimedia information in an information retrieval system. Beattie teaches having text information and image information. Compare to ***“storing the data received from the information source”***. He teaches that information retrieval systems are designed to store dynamic information provided by publishers of newspapers and periodicals. See column 1, lines 15-36. Beattie's system takes text from a query and retrieves the image associated with that text. See abstract and columns 1 and 38. Compare to ***“identifying at least one text instance. . . finding an image . . . relating to the least on text instance. . . generating a dynamic representation of the data from the image and the data”***. Beattie's system illustrates that it was well known in the art at the time of the invention to match an image to a particular text instance for publication of dynamic information. Beattie's system executes upon a query being generated as opposed to just merely identifying text in the information source. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a text processing module (query module) and image database module to equate the both an image and text for dynamic representation since it allows the user to visualize information that is presented in a text format. See abstract of Beattie.

In reference to claims 18 and 20, Beattie teaches that the information (data) provided in the information source is related to a newspaper or periodical.

8. Claims 17, 19, 22, 24-25, 27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97, as applied to claim 16 above, in view of Britton et al., US Patent 6,535,896, 3/18/03 (filed 1/29/99).

In reference to claim 17, 29, and 30, Beattie does not teach transforming the data and image into and XML object, creating an XSL style sheet, and combining the two to produce an HTML file; however, Britton does. Britton teaches a system, method, and program for utilizing XML-based tools to tailor HTML-based Web page content. Britton discloses the following:

-A computer program code for carrying out operations of content tailoring written in an object oriented programming language. The program code may execute entirely on a Web server, or it may execute partly on a Web server and partly on a remote computer (i.e., a user's Web client), or as a proxy at an intermediate point in the network. These computer program instructions may be provided to a processor of a general purpose computer, special purpose computer, or other programmable data processing apparatus to produce a machine, such that the instructions, which execute via the processor of the computer or other programmable data processing apparatus, create means for implementing the functions. These computer program instructions may also be stored in a computer-readable memory that can direct a computer or other programmable data processing apparatus to function in a particular manner, such that the instructions stored in the computer-readable memory produce an article of manufacture including instruction means which implement the function of the content tailoring system. See column 5.

-Converting the first content portion of the HTML format to XML format; Modifying the converted first content portion for display using a content tailoring tool in XML format wherein the modifying is performed via an XSL processor; Converting the modified first content portion from XML format to HTML format. See columns 6-8.

Britton teaches tailoring an HTML-based Web page. The XSL processor is used to provide layouts for the representation. Multiple XSL style sheets can be used to produce different layouts. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Britton and Beattie since both are concerned with tailoring content on a web page and the presentation of text and images. Moreover, utilizing XML objects in the system of Beattie allows the information to be presented to a user in a variety of styles using style sheets thus making document presentation more versatile for presentation of different devices or for simply for variety in news information sources. See abstract of Britton and column 1 of Beattie.

In reference to claim 19, Beattie does not specifically state that the data comprises an HTML document although he does disclose the information for electronic transmission. Britton explicitly states the data is an HTML document. See abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beattie with Britton since Beattie teaches tailoring content for electronic transmission in a web page which is presented in HTML format.

In reference to claim 22, Beattie does not state storing the data via a file transfer protocol; however, Britton does. See column 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beattie with Britton since

Beattie teaches tailoring content for electronic transmission in a web page which is often transmitted via ftp as taught by Britton. See column 1.

In reference to claim 25, Beattie does not teach translating identifying information into an XML text buffer, converting the text into tagged elements, and creating a document object from the XML text buffer. Britton however teaches converting the first content portion of the HTML format to XML format; Modifying the converted first content portion for display using a content tailoring tool in XML format wherein the modifying is performed via an XSL processor; Converting the modified first content portion from XML format to HTML format. See columns 6-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Britton and Beattie since both are concerned with tailoring content on a web page and the presentation of text and images. Moreover, utilizing XML objects in the system of Beattie allows the information to be presented to a user in a variety of styles using style sheets thus making document presentation more versatile for presentation of different devices or for simply for variety in news information sources. See abstract of Britton and column 1 of Beattie.

In reference to claims 24 and 27, Beattie teaches a method in which text and images are combined for each text instance submitted by a query. See column 38. The text is associated with the text and the image data. Thus each text instance is associated with an image and placed as a different category.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97 in view of Britton et al., US Patent 6,535,896,

3/18/03 (filed 1/29/99), as applied above to claim 17, and in further view of Kazi et al., US Patent 6,438,543, 8/20/02 (filed 6/17/99).

In reference to claim 23, Beattie/Britton do not teach processing names in the text; however, Kazi teaches analyzing and processing names in text. Kazi discloses that Nominator is used to extract proper names from the text document. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kazi's system with Beattie/Britton's system identify proper names since it is common to associate images with Proper names comprising of people and places. Since Beattie/Britton's system is utilized to provide images with matching text, Kazi's system can be used to further its use with the detection of Proper Names for which images are often associated.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97 in view of Nelson et al., US Patent 6,243,713, 6/5/01 (filed 8/24/98).

In reference to claim 21, Beattie does not teach identifying an offset and a length of each text occurrence; however, Nelson does. Nelson teaches taking into account the positions and descriptive data content such as an offset. See column 2, lines 28-64. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beattie's system with Nelson's descriptive content in order to take advantage of the fact that certain text may be present in a particular portion of a document or in proximity to another component such as an image which would aid in the matching process. See column 2.



***Response to Arguments***

11. Applicant's arguments with respect to claims 16-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,538,673      Maslov

US Patent 6,507,857      Yalcinalp

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

RS  
September 30, 2003

  
HEATHER R. HERNDON  
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